

victims, and we must avoid that. We do little good for the country that way.

Mr. REID. Mr. President, Senators CANTWELL and GRASSLEY and others have an amendment at the desk. I ask that that amendment be considered and agreed to; that the committee substitute, as amended, be agreed to; the bill, as amended, be read the third time and passed, and the motion to reconsider be laid upon the table; and that any statements be printed in the RECORD, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4954) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 1742), as amended, was read the third time and passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

Mr. REID. Mr. President, let me say I have been working in recent hours with the Senator from Washington, Ms. CANTWELL. She has worked tirelessly on this piece of legislation. She has given a number of statements on the floor related to this issue, dealing with what has taken place and what she knows regarding identity theft. I commend and applaud her for her diligence and perseverance. The burden is now on the House of Representatives. They are still in session. There is no reason in the world that they cannot pass this most important piece of legislation.

EXECUTIVE SESSION

PROMOTIONS DISCHARGED

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to executive session and the list of Coast Guard promotions which are at the desk be discharged from the Commerce Committee, the Senate proceed to their consideration, that the nominations be confirmed, the motions to reconsider be laid on the table, and that any statements appear at the appropriate place in the RECORD as if read, that the President be immediately notified of the Senate's action, and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

U.S. COAST GUARD

To be lieutenant

Dana B. Reid, 9837

U.S. COAST GUARD RESERVE

To be captain

Douglas A. Ash, 9461

Salvatore Brillante, 9714

Timothy M. Butler, 8139

Jeanne Cassidy, 9266

Daniel R. Croce, 1488

Sidney J. Duck III, 0729

Wayne C. Dumas, 2968
Kendel D. Feilen, 0842
Doreen D. Fuller, 8883
Robert W. Grabb, 3388
William C. Hansen, 6687
Maureen B. Harkins, 0444
Stephen N. Jackson, 6687
Mark A. Jones, 2968
John W. Long, 7333
John J. Madeira, 4504
David A. Maes, 2808
David G. O'Brien, 4748
David W. Springer, 5912
Warren E. Soloduk, 3725

U.S. COAST GUARD

To be lieutenant commander

Anthony J. Alarid, 1412
Michael S. Antonellis, 5030
Michael A. Arguelles, 4343
Hector A. Avella, 8261
Paul E. Baker, 7988
Barbara J. Barata, 8450
Christopher M. Barrows, 8561
Edward K. Beale, 7399
Scott A. Beauregard, 6053
William D. Bellatty, 1168
Bryan R. Bender, 4002
Ralph L. Benhart, 0506
Benjamin A. Benson, 3424
David F. Berliner, 6106
Paul R. Bissillon, 4694
Ronald E. Brahm, 9793
John A. Brenner, 3111
Donald L. Brown, 7391
Timothy J. Buchanan, 2428
Russell S. Burnside, 9517
William Carter, 5270
Anthony J. Ceraolo, 2139
Patrick W. Clark, 4993
Leslie W. Clayborne, 8504
Rocky L. Cole, 3491
Richard W. Condit, 6705
Vernon E. Craig, 0980
Michael W. Cribbs, 3103
Christopher Curatilo, 4587
Gregory J. Czerwonka, 4516
Christel A. Dahl, 5351
Bryan E. Dailey, 2760
James W. Dalitsch, 0853
Timothy E. Darley, 3406
Joseph E. Deer, 4579
Ann B. Deyoung, 0150
Edwin Diazrosario, 7357
Timothy E. Dickerson, 7061
Douglas C. Dixon, 8495
Jean T. Donaldson, 8896
Charlene L. Downey, 1428
Patrick J. Dugan, 5898
Kathryn C. Dunbar, 0745
John C. Durbin, 5587
Bryan L. Durr, 0817
Brian E. Edmiston, 0038
David M. Ehlers, 8010
Thomas M. Emerick, 0148
Dennis C. Evans, 2583
Rendall B. Farley, 5226
Dale C. Folsom, 4148
Christopher W. Forando, 4062
Gregory T. Fuller, 3143
Eric J. Gandee, 6250
George D. Ganoung, 2083
Christian J. Glander, 3589
Michael W. Glander, 8276
Gene G. Gonzales, 1117
Jeffrey W. Good, 7748
Mark D. Gordon, 0616
Samuel J. Goswellen, 6588
Thomas A. Griffiths, 2199
Jason R. Hamilton, 9913
Kevin J. Hanson, 3914
James A. Healy, 7844
Joseph J. Healy, 3174
Michael L. Hershberger, 5328
Joseph P. Higgins, 4706
Daniel J. Higman, 6624
Russell E. Holmes, 0974
Katherine A. Howard, 5315
Jerry A. Hubbard, 8249
David A. Husted, 3248
Jeffrey A. Janszen, 4464
Terrence M. Johns, 9778
Eugene E. Johnson, 2742
Lamar V. Johnson, 7091
Richard L. Jung, 5143
Stephen D. Jutras, 5925
Robert M. Keith, 1055
Quentin C. Kent, 7468
Ian R. Kiemann, 2030
Scott H. Kim, 9552
Erich F. Klein, 4294
Nicholas R. Koester, 0771
Joseph E. Kramek, 8464
Miriam L. Lafferty, 4744
Burt A. Lahn, 9390
Robert J. Landolfi, 7916
Steven A. Lang, 7316
James R. Langevin, 7045
Scott E. Langum, 2954
Keith H. Laplant, 5221
Scott X. Larson, 4589
Stephen G. Lefave, 1917
Michael R. Leonguerrero, 7974
Michael C. Long, 8213
Jess P. Lopez, 9464
Juan Lopez, 7254
Tung T. Ly, 3465
Lisa K. Mack, 9536
William J. Makell, 6745
Joseph P. Malinauskas, 1645
August T. Martin, 6627
Carol L. McCarther, 8206
Thomas W. McDevitt, 4910
Steven P. McGee, 9864
Patrick W. McMahon, 5758
Jason A. Merriweather, 1212
James F. Miller, 6437
James W. Mitchell, 1953
Kevin G. Morgan, 3889
Patrick J. Murphy, 4093
Nicole S. Nancarrow, 2108
Randall J. Navarro, 3988
Jack C. Neve, 2871
Anthony J. Nygra, 9006
Robert R. Oatman, 3261
Stephen H. Ober, 8546
Steven F. Osgood, 0310
Keith A. Overstreet, 4897
Geoffrey D. Owen, 3140
Kim J. Pacsai, 2821
John K. Park, 9448
Edwin W. Parkinson, 7735
Vincent E. Patterson, 8433
Kevin Y. Pekarek, 3307
Daryl R. Peloquin, 5796
Matthew F. Perciak, 6792
Cornell I. Perry, 7094
Mark G. Phipps, 8278
Zachary H. Pickett, 2955
Kenneth A. Pierro, 6696
Michael E. Platt, 3176
Nathan A. Podoll, 7508
Gary K. Polaski, 2160
Ronald P. Poole, 6332
Kenneth U. Potalicchio, 7762
Steven J. Prunyn, 5380
Lee S. Putnam, 9334
Gregory M. Rainey, 6693
Jeffrey K. Randall, 7612
Sean P. Regan, 7012
Francisco S. Rego, 9178
James M. Reilly, 9209
Joshua D. Reynolds, 0674
Rodd M. Ricklefs, 6519
Ronald L. Riedinger, 6390
James V. Rocco, 2868
Stanley T. Romanowicz, 5552
Shannon D. Rooney, 9051
Charles A. Roskam, 3977
Kiley R. Ross, 0559
Aaron E. Roth, 9026
Warren J. Russell, 5602
Matthew A. Rymer, 9954
Kristina E. Saliceti, 6117
Christopher S. Schubert, 2470
James W. Seeman, 7067

Edward B. Sheppard, 3579
 John P. Sherlock, 6743
 Arthur R. Shuman, 0528
 Michael J. Simbulan, 6792
 Darell Singleterry, 3552
 Jerome F. Sinnaeve, 1503
 Charles G. Smith, 9733
 Matthew J. Smith, 9753
 Robert L. Smith, 9066
 Stuart M. Sockman, 9003
 Gregory Stanclik, 0645
 Bion B. Stewart, 4651
 Anthony A. Stobbe, 0824
 Paul M. Stocklin, 4098
 Carrie M. Stoffel, 8350
 Christopher A. Strong, 2306
 Charles W. Tenney, 3941
 Laura J. Thompson, 1781
 Theresa L. Tierney, 6714
 Shawn C. Tripp, 4929
 Nancy J. Truax, 5567
 Adam J. Tyndale, 0852
 Daniel D. Unruh, 0015
 Joseph G. Uzmann, 3423
 Matthew R. Walker, 1683
 Daniel P. Walsh, 5596
 Thomas F. Walsh, 6807
 Michelle R. Webber, 8933
 Michael C. Wessel, 1833
 Richard J. Wester, 0160
 Sherman P. Whitmore, 2290
 Gary S. Williams, 3943
 Donald L. Winfield, 1051
 Charles T. Wright, 2712
 Jeffrey V. Yarosh, 7292
 Michael E. Yensz, 1753
 Cherian Zachariah, 6501
 Michael B. Zamperini, 8558

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 107-19 AND TREATY DOCUMENT NO. 107-20

Mr. REID. I ask unanimous consent that the injunction of secrecy be removed from the following treaties transmitted to the Senate on November 14, 2002, by the President of the United States:

Convention with Great Britain and Northern Ireland regarding Double Taxation and Prevention of Fiscal Evasion (Treaty Doc. 107-19); and

Protocol Amending Convention with Australia regarding Double Taxation and Prevention of Fiscal Evasion (Treaty Doc. 107-20).

I further ask that the treaties be considered as having been read the first time; that they be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The messages of the President are as follows:

To the Senate of the United States:

I transmit herewith, for Senate advice and consent to ratification, the Convention Between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and on Capital Gains, signed at London on July 24, 2001, together with an exchange of notes, as amended by the

Protocol signed at Washington on July 19, 2002 (the "Convention"). I also transmit the report of the Department of State concerning the Convention.

The proposed Convention transmitted herewith would replace the Convention Between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital Gains, signed at London on December 31, 1975, as modified by a subsequent agreement and protocols.

This Convention, which is similar to tax treaties between the United States and other developed nations, provides for maximum rates of tax to be applied to various types of income, protection from double taxation of income, and for the exchange of information. The Convention also contains rules making its benefits unavailable to persons who are engaged in treaty shopping. The proposed Convention is the first U.S. income tax convention to provide a zero rate of withholding on certain direct investment dividends.

I recommend that the Senate give early and favorable consideration to this Convention, and that the Senate give its advice and consent to ratification.

To the Senate of the United States:

I transmit herewith, for Senate advice and consent to ratification, a Protocol Amending the Convention Between the Government of the United States of America and the Government of Australia for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, signed at Canberra on September 27, 2001 (the "Protocol"). I also transmit, for the information of the Senate, the report of the Department of State concerning the Protocol.

The Convention, as amended by the Protocol, would be similar to recent tax treaties between the United States and other developed nations. It provides maximum rates of tax to be applied to various types of income and protection from double taxation of income. The Convention, as amended by the Protocol, also provides for resolution of disputes and sets forth rules making its benefits unavailable to residents that are engaged in treaty shopping.

I recommend that the Senate give early and favorable consideration to this Protocol, and that the Senate give its advice and consent to ratification.

TREATY WITH THE GOVERNMENT OF THE REPUBLIC OF HONDURAS FOR THE RETURN OF STOLEN, ROBBED, OR EMBEZZLED VEHICLES AND AIRCRAFT

Mr. REID. I ask unanimous consent the Senate proceed to consider Executive Calendar No. 12, the Treaty with Honduras, the treaty be advanced through its parliamentary stages up to

and including the presentation of the resolution of the ratification, and the Senate now vote on the resolution of ratification.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the resolution of ratification.

Senators in favor of the resolution, please stand. (After a pause.) All those opposed, please stand.

In the opinion of the Chair, two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

The resolution of ratification is as follows:

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty between the Government of the United States of America and the Government of the Republic of Honduras for the Return of Stolen, Robbed, or Embezzled Vehicles and Aircraft, with Annexes and a related exchange of notes, signed at Tegucigalpa on November 23, 2001 (Treaty Doc. 107-15).

EXTRADITION TREATY WITH PERU

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to Executive Calendar No. 13, Extradition Treaty with Peru, the treaty be advanced through its parliamentary stages up through and including the presentation of the resolution of ratification, and that the understanding and the condition be agreed to, and the Senate vote on the resolution of ratification.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the resolution of ratification. Senators in favor of the resolution, please stand. (After a pause.) All those opposed, please stand.

In the opinion of the Chair, two-thirds of those present and voting having voted in the affirmative, the resolution of ratification is agreed to.

The resolution of ratification and condition are as follows:

Resolved, (two-thirds of the Senators present concurring therein),

Section 1. Advice and Consent to Ratification of the Extradition Treaty with Peru, subject to an understanding and a condition.

The Senate advises and consents to the ratification of the Extradition Treaty Between the United States of America and the Republic of Peru, signed at Lima on July 26, 2001 (Treaty Doc. 107-6; in this resolution referred to as the "Treaty"), subject to the understanding in section 2 and the condition in section 3.

Section 2. Understanding.

The advice and consent of the Senate under section 1 is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION OF EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article XIII concerning the Rule of Speciality would preclude the surrender of any person extradited to the Republic of Peru from the United States to the International Criminal Court, unless the United States consents to such surrender; and the United States shall not consent to any such